



[Name of Site]

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

First Energy  
c/o Edward Harrison, Environmental Manager  
100 East Federal  
Youngstown, Ohio

RE: Mahoningside Power Plant Site  
Warren, Ohio  
Confirmation of General Notice of Liability

Dear Mr. Harrison:

On August 3, 2000, the following oral statement was made to you over the telephone by On-Scene Coordinator Mark Durno and Enforcement Specialist Debora Haidar:

"The U.S. Environmental Protection Agency has determined that the release or threat of release of hazardous substances, pollutants or contaminants into the environment from the Mahoningside Power Plant Site in Warren, Ohio, may present an imminent and substantial endangerment to the public health or welfare or to the environment.

U.S. EPA plans to take the following actions to address the release or threat of release of hazardous substances, pollutants or contaminants, including Polychlorinated Biphenyls (PCBs), at the Site:

*Handwritten:* Mahoning + Henry METALS.

1. Assume control, operation, and maintenance of the existing de-watering and water treatment system.

These actions are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. Under CERCLA, and other laws, responsible parties may be liable for all costs the Government incurs in taking response action at the Site, including investigation, planning, cleanup and enforcement costs.

U.S. EPA believes you are a potentially responsible party (or PRP) at the Site because you [choose the relevant bases: own or operate the Site; owned or operated the Site at the

time of disposal or release of hazardous substances; generated or were involved in the transport, treatment, or disposal of hazardous substances at the Site]. Before the Government takes the necessary response actions at the Site, it is offering you the opportunity to voluntarily perform or fund the work required to abate the release or threat of release from the Site. Under Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can demonstrate their ability to do the work promptly and properly.

Because of the conditions described earlier, U.S. EPA believes that response activities at the Site must begin as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

U.S. EPA intends, at the direction of its On-Scene Coordinator, to begin the above actions on August 4, 2000. You must notify U.S. EPA by August 4, 2000 at 3:00 p.m. if you wish to perform or fund all of the above actions, or U.S. EPA will begin to take the necessary action at the Site. Please contact Rick Nagle, U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 353-8222, fax number (312) 886-0747, to provide notice or if you have any questions.

An administrative record which supports U.S. EPA's determination that these actions are appropriate can be made available for your review.

Do you have any questions regarding what I have just said?"

This letter is to confirm and reiterate the above oral notice. This letter is also to confirm that your response to the oral notice was received on August 4, 2000 at 4:30 p.m. If you have any questions concerning this matter, please contact:

Rick Nagle  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. EPA, C-14J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590  
(312) 353-8222

or

Mark Durno  
On-Scene Coordinator  
Response Section 1  
U.S. EPA (ME-W)  
25089 Center Ridge Road  
Westlake, Ohio 44145  
(440) 250-1743

Sincerely,

Richard C. Karl, Chief

Emergency Response Branch

[Enclosure] (SBREFA information sheet)

LIST OF PRPs RECEIVING LETTER CONFIRMING GENERAL NOTICE

bcc: Rick Nagle, ORC (C-14J)  
Mark Durno, OSC (ME-W)  
John Maritote, EESS (SE-5J)  
Debora Haidar, EESS (ME-W)  
Toni Lesser, Public Affairs (P-19J)  
Michael T. Chezik, Department of Interior  
Alicia Corley, SETS (OS505)  
Tony Audia, PAAS (MF-10J)  
Records Center (SMR-7J)  
ERB Read File  
Jack Tang, EESS (SE-5J) (for Mercury tracking)

REMOVAL PROGRAM  
NOTICE LETTER  
VERBAL NOTICE FOLLOW-UP  
ROUTING SLIP  
(REVISED OCTOBER 1999)

\_\_\_\_\_  
(SITE NAME)

Please sign the Yellow and check your name off this page.

Then pass the document on to the next name.

Do not sign this page, SIGN THE YELLOW

	NAME	MAIL CODE
1. ERB ENFORCEMENT SPECIALIST	_____	<u>SE-5J</u>
2. ERB ON-SCENE COORDINATOR	_____	_____
3. EESS SECRETARY	_____	<u>SE-5J</u>
4. ORC STAFF ATTORNEY	_____	<u>C-14J</u>
5. EESS SECRETARY	_____	<u>SE-5J</u>
6. EESS SECTION CHIEF	<u>Bill Messenger</u>	<u>SE-5J</u>
7. ERB BRANCH SECRETARY	<u>Cynthia Beck</u>	<u>SE-5J</u>
8. ERB BRANCH CHIEF	<u>Richard Karl</u>	<u>SE-5J</u>
9. RETURN TO SE-5J/EESS SECRETARY FOR MAILING TO PRPs AND DISTRIBUTION OF BCC LIST.		

DATE MAILED TO PRPs: \_\_\_\_\_

F:\USER\HAIDAR\Mahoningside\verbalnotice.upd

[REVISED OCTOBER 1999]

[Name of Site]

CERTIFIED MAILRETURN RECEIPT REQUESTED

First Energy  
c/o Edward Harrison, Environmental Manager  
100 East Federal  
Youngstown, Ohio

RE: Mahoningside Power Plant Site  
Warren, Ohio  
Confirmation of General Notice of Liability

Dear Mr. Harrison:

On \_\_\_\_\_, the following oral statement was made to you [over the telephone] by On-Scene Coordinator Mark Durno and/or Assistant Regional Counsel Richard Nagle, and/or Enforcement Specialist Debora Haidar:

"The U.S. Environmental Protection Agency has determined that the release or threat of release of hazardous substances, pollutants or contaminants into the environment from the Mahoningside Power Plant Site in Warren, Ohio, may present an imminent and substantial endangerment to the public health or welfare or to the environment.

U.S. EPA plans to take the following actions to address the release or threat of release of hazardous substances, pollutants or contaminants, including

\_\_\_\_\_, at the Site:

1. ~~TREAT WATER THAT ENTERS~~ OPERATION & MAINT. OF WATER TREATMENT SYSTEM.
2. EXTENT OF CONTAMINATION NEARBY OF REMAINING
3. HAZARDOUS SUBSTANCES ON SITE AND IN THE MAHONING RIVER.  
STABILIZATION & REMOVAL OF HAZARDOUS SUBSTANCES FROM THE SITE.
4. DISPOSAL OF CONTAMINATED MATERIALS IN ACCORDANCE
5. WITH THE CERCLA OFF-SITE RULE.

These actions are authorized by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. Under CERCLA, and other laws, responsible parties may be liable for all costs the

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Government incurs in taking response action at the Site, including investigation, planning, cleanup and enforcement costs.

U.S. EPA believes you are a potentially responsible party (or PRP) at the Site because you [choose the relevant bases: own or operate the Site; owned or operated the Site at the time of disposal or release of hazardous substances; generated or were involved in the transport, treatment, or disposal of hazardous substances at the Site]. Before the Government takes the necessary response actions at the Site, it is offering you the opportunity to voluntarily perform or fund the work required to abate the release or threat of release from the Site. Under Section 104 of CERCLA, PRPs may be permitted to perform these actions if they can demonstrate their ability to do the work promptly and properly.

Because of the conditions described earlier, U.S. EPA believes that response activities at the Site must begin as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

U.S. EPA intends, at the direction of its On-Scene Coordinator, to begin the above actions on AUGUST 4, 2000. You must notify U.S. EPA by AUGUST 4, 2000 if you wish to perform or fund all of the above actions, or U.S. EPA will begin to take the necessary action at the Site. Please contact Rick Nagle, U.S. EPA Office of Regional Counsel, 77 West Jackson Boulevard, Chicago, Illinois 60604, at (312) 353-8222, fax number (312) 886-0747, to provide notice or if you have any questions. p.u.

An administrative record which supports U.S. EPA's determination that these actions are appropriate can be made available for your review.

Do you have any questions regarding what I have just said?"

This letter is to confirm and reiterate the above oral notice. This letter is also to confirm that your response to the oral notice was \_\_\_\_\_. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action. [The previous sentence can be deleted if the PRP is an individual or is clearly a large business. Provide a copy of the information sheet to any known or suspected small business.] If you have any questions concerning this matter, please contact:

(continues, but not included in fax)